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## IN A NUTSHELL

### Expungement of Criminal Convictions

**The statutory procedure for setting aside convictions in Michigan is as follows.**

#### **MCLA 780.621. Motion to set aside conviction;**

Sec. 1. (1) Except as provided in subsection (2), a person who is convicted of not more than 1 offense may file an application with the convicting court for the entry of an order setting aside the conviction.

(2) A person shall not apply to have set aside, and a judge shall not set aside, a conviction for a felony for which the maximum punishment is life imprisonment or an attempt to commit a felony for which the maximum punishment is life imprisonment, a conviction for a violation or attempted violation of sections **750.520c**, **750.520d**, and **750.520g**; being second and third degree criminal sexual conduct, assault with intent to commit criminal sexual conduct, or a conviction for a traffic offense.

(3) An application shall not be filed until the expiration of 5 years following imposition of the sentence for the conviction that the applicant seeks to

set aside or 5 years following completion of any term of imprisonment for that conviction, whichever occurs later.

Application to Set Aside Conviction is **Michigan Approved Court** (Form MC-227). This form is available at Kalamazoo Public Library or on the web at <http://courts.michigan.gov/scao/courtforms> or the court clerk's office.

If you are applying to set aside a juvenile adjudication, use the form called **Application to Set Aside Adjudication** (Form JC-66). If you were a juvenile who was tried as an adult, you need to use the form **Application to Set Aside Conviction** (Form MC-227).

#### **Source:**

MCLA (Michigan Compiled Laws)

*The information presented here is not intended to be a substitute for legal advice or representation. You should talk with an attorney if you have any questions about how this information applies to your own problem or facts.*

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